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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/663,347	09/15/2000	Yoshiaki Endo	05905.0126	1855

22852 7590 04/09/2003

FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER  
LLP  
1300 I STREET, NW  
WASHINGTON, DC 20005

EXAMINER
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RADA, ALEX P

ART UNIT	PAPER NUMBER
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3714

DATE MAILED: 04/09/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/663,347

Applicant(s)

ENDO ET AL. *MF*

Examiner

Alex P. Rada

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 21 January 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-5,7 and 8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5,7 and 8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

**DETAILED ACTION**

***Response to Amendment***

In response to the amendment filed January 21, 2003 in which the applicant has canceled claim 6 without prejudice or disclaimer, amends claims 1-5 and 7-8, and claims 1-5 and 7-8 are pending in this office action.

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

2. Claims 1-5 and 7-8 are rejected under 35 U.S.C. 102(a) as being anticipated by Final Fantasy VIII (Owners Manual for Playstation).
3. Final Fantasy VIII (FFVIII) RPG game with the examiners knowledge of the FF VIII game discloses a fist action scene between a first player character and the fist enemy character and the second action scene between the second player character and the second enemy character based on the predetermined camera angle to project the first player character and the first enemy character related to the predetermined command which is given to the first player character a player, and the predetermined command is unrelated to the second player character (see attached Affidavit) as recited in claims 1, 7, and 8; the predetermined command is the attacking command for the first player character attacking the first enemy character (pg. 20-23 and attached affidavit) as recited in claim 2; the game device displays the enemy character around the player character before it displays the action scene as recited in claim 3; the attributes value of the first player

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character and the first enemy character based on the predetermined commands as recited in claim 4; and the first action scene displays the damage of the player first character and the first enemy character based on the attribute value that changes in accordance with the predetermined commands as recited in claim 5.

### ***Response to Arguments***

4. Applicant's arguments filed January 21, 2003 have been fully considered but they are not persuasive.

Submitted with the office action is a copy of an overview on Final Fantasy VIII on Gamers.com website. The Gamers website is a Ziff Davis Media Game Group which is the most respected group of journalists writing about PC and video gaming in the country. The Game Group publications have a combined monthly paid circulation of more than 1.1 million readers, making them the largest publisher of video and PC game magazines in the United States. The Ziff Davis Media Game Group is the largest publisher of video and PC game magazines in the United States. *Electronic Gaming Monthly* has the highest rate base of any gaming magazine published. It covers PlayStation 2, Xbox, Game Cube, GameBoy Advance, PS One and Nintendo 64. *The Official U.S. PlayStation Magazine* is the #1 publication for passionate PlayStation gamers. *Game Now* is the monthly guide that delivers in-depth coverage of console games in a voice and environment tailored to teenage gamers. *Computer Gaming World* is the longest running and most respected publication for core PC gamers. Therefore, the September 9, 1999 US game release date for the Playstation platform is sufficient show it was known or used by other in the United States.

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By request of the Applicant's representative, the examiner has complied by submitting an affidavit regarding the Examiner's personal knowledge of FF8.

***Conclusion***

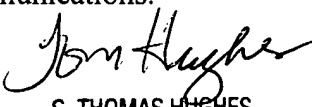
5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alex P. Rada whose telephone number is 703-308-7135. The examiner can normally be reached on Monday - Friday, 08:00-16:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom Hughes can be reached on 703-308-1806. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9302 for regular communications and 703-872-9303 for After Final communications.

APR  
apr  
April 7, 2003

  
S. THOMAS HUGHES  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3700

## Declaration

I Alex Rada, an employee of the USPTO, declare the following facts to be within my personal knowledge as allowed under 37 CFR 1.107(b).

I have personally played Final Fantasy VIII (hereafter "FF8") for a few months. FF8 offers a three-dimensional Role Playing Game (RPG) that has the ability to have a plurality of main characters attacking one or more plurality of enemy characters all with in the same scene. For example, with main character "A" would attack enemy character "A" and main character "B" would attack against enemy character "B" and vice versa. Each character has Hit Points (HP) that gives the characters different attribute levels during fighting (pages 16 and 20 sub-part 4). The plurality of characters has the option of attacking, using weapons, magic, or potions etc. or invoking Guardian Forces (GF on pages 25-26) against enemy characters. When a player invokes a GF force as part of an attack, the game reveals a sequence of lights and sounds around the main character that summons the GF force, which changes the camera's point of view to reveal the GF force at a different angle with respect to the enemy character without any involvement of the other characters. A character can attack one or more enemy characters by invoking the GF Forces. When a character is attacked by an enemy character the Hit points (HP) of the character decrease based on the attack by the enemy character.

The undersigned declares further that all statements herein are true, based upon the best available information; and further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 or Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereof.



Alex Rada  
April 3, 2003